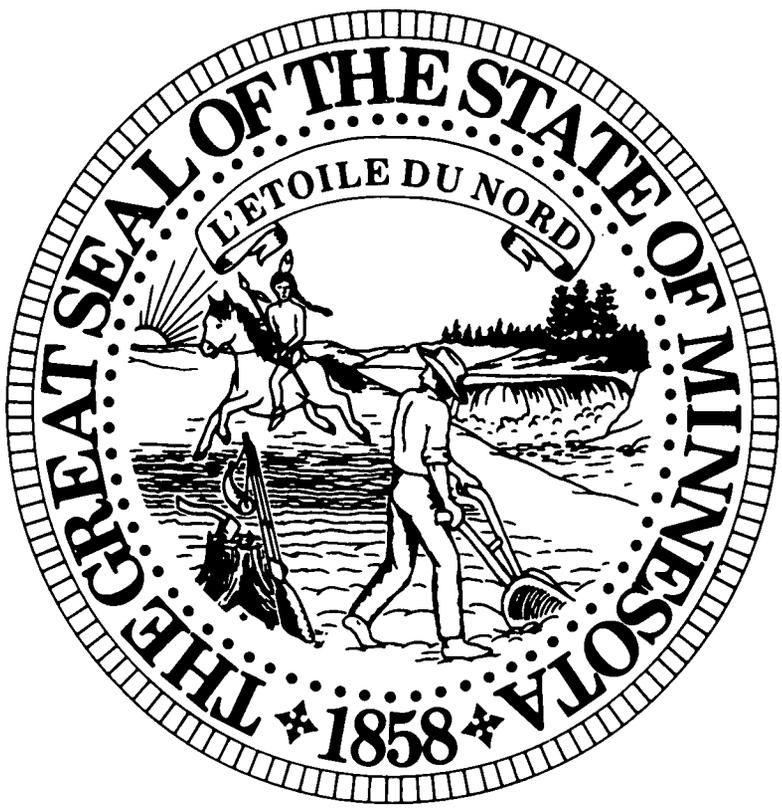


The Minnesota
**State
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
11	Monday 27 August	Friday 31 August	Monday 10 September
12	Friday 31 August	Monday 10 September	Monday 17 September
13	Monday 10 September	Monday 17 September	Monday 24 September
14	Monday 17 September	Monday 24 September	Monday 1 October

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

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Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Pollution Control Agency

Proposed Amendments to Proposed Permanent Rules Relating to Hazardous Waste and Polychlorinated Biphenyls

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 116.07, subd. 4 and 116.37 (1988).

This is the second notice provided by the Agency regarding the proposed adoption of these amendments. The first notice was published in the *State Register* on May 21, 1990 (14 S.R. 2695). The Agency is re-noticing these proposed amendments to ensure that all persons who registered their names with the Agency to receive hazardous waste rulemaking notices are given notice of this rulemaking proceeding. The Agency is concerned that some persons who registered their names were not given notice of these proposed amendments when the notice was mailed out last May. The Agency has also proposed some minor changes in the proposed language. These minor changes are published below. The remainder of the proposed amendments are the same as those proposed last May. Copies of last May's notice can be obtained from county libraries or from the Minnesota Bookstore (telephone 612/297-3000).

All persons have until 4:30 p.m. on October 10, 1990 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held, unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to Nathan B. Cooley, Hazardous Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155 (telephone 612/643-3477).

The proposed rule amendments may be modified if the modifications are supported by data and views submitted to the MPCA and do not result in a substantial change in the proposed rule amendments as noticed.

The MPCA proposes in this rulemaking to adopt seven federal amendments pertaining to various portions of existing *Minnesota Rules* chs. 7001 and 7045 which govern management of hazardous wastes. It also proposes amending existing *Minnesota Rules* ch. 7100 governing certificates of exemption for the management of polychlorinated biphenyls.

The seven federal amendments were promulgated by the U.S. Environmental Protection Agency to correct and clarify existing regulations which govern the following: storage and treatment tank system standards, delisting of iron dextran, delisting of strontium sulfide, relisting of certain metal smelting wastes, statistical methods for ground water monitoring data, farmers' exemptions, and trial burn information requirements for the modification of existing hazardous waste thermal treatment permits. The MPCA proposes to adopt these federal amendments without substantial change in order to provide equivalent state rules and in order to retain federal authorization to administer its hazardous waste program.

The state initiated amendments to rules governing certificates of exemption serve to reduce the burden and the potential confusion from rules which have become duplicative due to changes in the corresponding federal regulations. These amendments provide a process wherein persons may obtain a state certificate of exemption by rule under certain circumstances.

A STATEMENT OF NEED AND REASONABLENESS which describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available upon request at the above address.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statute* § 14.115 (1988), "Small Business Considerations in Rulemakings," that the economic effect of these proposed amendments on small businesses is anticipated to be either neutral or beneficial. Adopting the federal amendments governing the management of hazardous waste will correct and clarify existing rules. The only apparent increase in regulatory burden results from the federal relisting of certain metal smelting wastes. While the MPCA is required to relist these wastes in order to retain its authorization to administer its hazardous waste program, it does not believe that any businesses in Minnesota will be affected by this relisting. The state amendments governing certificates of exemption reduce duplicative requirements. The anticipated effect of this rulemaking is to save time and effort for the regulated community. This rulemaking amends existing rules. No substantive economic effects are anticipated for Minnesota businesses of any size due to these proposed amendments.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and required supporting documents will be submitted to the Attorney General for review as to legality and form, to the extent that form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive one free copy of the proposed rules, must submit a written request to Nathan Cooley at the address given for comments.

Gerald L. Willet, Commissioner

Rules as Amended

7045.0484 GROUNDWATER PROTECTION.

Subps 1 to 10 [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

Subp. 11. **General groundwater monitoring requirements.** The owner or operator shall comply with the requirements of items A to J for any groundwater monitoring program developed to satisfy subpart 12, 13, or 14:

A. to G. [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

H. The owner or operator shall specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent which, upon approval by the commissioner, will be specified in the facility permit. The statistical test chosen shall be conducted separately for each hazardous constituent in each well. Where practical, quantification limits are used in any of the following statistical procedures to comply with item I, subitem (5), the practical quantification limits must be proposed by the owner or operator and approved by the commissioner. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in item I.

(1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(4) A control chart approach that gives control limits for each constituent.

(5) Another statistical test method submitted by the owner or operator and approved by the commissioner.

I. and J. [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

Subp 12 [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 13. **Compliance monitoring program.** An owner or operator required to establish a compliance monitoring program under this part shall perform the following:

A. to C. [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

D. The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, under item C, at a frequency specified under item F.

(1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the methods specified in the permit under subpart 11, item H. The methods must compare data collected at the compliance points to a concentration limit developed in accordance with subpart 6.

(2) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The agency will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities, to perform the analysis of groundwater samples.

E. to K. [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

Subp 14 [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

7045.0528 ~~TANKS~~ TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use ~~tanks~~ tank systems to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

A. Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subparts 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempt from the requirements in subparts 4 and 5.

Subps 2 to 11 [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

7045.0628 ~~TANKS~~ TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use ~~tanks~~ tank systems to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

A. Tank systems that are used to store or treat hazardous waste containing no free liquids and that are located inside a building with an impermeable floor are exempt from the requirements of subparts 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020 that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in subparts 4 and 5.

Subps 2 to 12 [See *State Register*, Volume 14, Number 47, pages 2695-2710.]

Board of Private Detective and Protective Agent Services

Proposed Permanent Rules Relating to Board of Private Detective and Protective Agent Services

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Private Detective and Protective Agents Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 326.3331.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons

submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the board will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on Thursday, November 15, 1990, unless a sufficient number withdraw their request, in accordance with the notice of public hearing on these same rules published in this *State Register* and mailed to persons registered with the Department of Public Safety and the Private Detective and Protective Agents Board.** To verify whether a hearing will be held, please call the Private Detective and Protective Agents Board from October 11, 1990 to November 14, 1990 at (612) 642-0775.

People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Private Detective and Protective Agents Board
1246 University Avenue
St. Paul, MN 55104

Comments or requests for a public hearing must be received by the Board by 4:30 p.m. on October 10, 1990.

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A free copy of this rule is available on request for your review from the Board at the address or telephone number listed above.

These rules govern the selection, training, conduct discipline, and licensing of private detectives and protective agents by the Board and include other Board-related matters necessary to carry out duties imposed by *Minnesota Statutes*, sections 326.32 to 326.339. These rules DO NOT govern training programs on the use of force and deadly force required by *Minnesota Statutes*, section 326.3361.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied on to support the proposed rule has been prepared and is available from the Board on request.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes*, section 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small businesses. The rule addresses small business considerations by structuring the fee schedule according to the size of the business being licensed.

The adoption of these rules will not require the expenditure of public money by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11 (1988) is not applicable to this rulemaking proceeding.

If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Katherine Burke Moore
Rules Coordinator
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Dated: 23 August 1990

Marie Ohman, Executive Director
Private Detective and Protective Agents Board

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Services Building, 20 West 12th Street, St. Paul, MN 55155, on Thursday, November 15, 1990, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, however, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the Department of Public Safety and the Private Detective and Protective Agents Board. To verify whether a hearing will be held, please call the Private Detective and Protective Agents Board from October 11, 1990, to November 14, 1990, at (612) 642-0775.

Following the Board's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to: Judge Steve M. Mihalchick, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period the Board and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the Board may indicate in writing whether there are amendments suggested by other persons which the Board is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

These rules govern the selection, training, conduct discipline, and licensing of private detectives and protective agents by the board and include other board-related matters necessary to carry out duties imposed by *Minnesota Statutes*, sections 326.32 to 326.339. These rules DO NOT govern training programs on the use of force and deadly force required by *Minnesota Statutes*, section 326.3361.

The Board's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 326.3331.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes*, section 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small businesses. The rule addresses small business considerations by structuring the fee schedule according to the size of the business being licensed.

The adoption of these rules will not require the expenditure of public money by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11 (1988) is not applicable to this rulemaking proceeding.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to or calling the Private Detective and Protective Agents Board, 1246 University Avenue, St. Paul, MN 55104, (612) 642-0775.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Private Detective and Protective Agents Board at (612) 642-0775.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of

attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 23 August 1990

Marie Ohman, Executive Director
Private Detective and Protective Agents Board

Rules as Proposed (all new material)

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES

7506.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7506.0100 to 7506.0180, the following terms have the meanings given them.

Subp. 2. **Board.** "Board" means the Board of Private Detective and Protective Agent Services created in *Minnesota Statutes*, section 326.33.

Subp. 3. **Director.** "Director" means the executive director of the board authorized by *Minnesota Statutes*, section 326.3321.

Subp. 4. **Minnesota manager.** "Minnesota manager" has the meaning given in *Minnesota Statutes*, section 326.32, subdivision 10a.

7506.0110 INTERNAL PROCEDURES.

Subpart 1. **Executive director.** The director has the following duties:

- A. to manage the day-to-day business of the board;
- B. to set the agenda for board meetings;
- C. to bring specific and general matters before the board at board meetings;
- D. to present the position and reasoning of the board at hearings before the Office of Administrative Hearings;
- E. to conduct background investigations and report to the board on board reviews, new applications, and complaints concerning license holders; and
- F. other duties related to board business as directed by the board.

Subp. 2. **Licensing procedure.** The board shall follow the procedures in items A to C for issuing licenses.

- A. The board shall review each initial license application. The initial license review shall consist of:
 - (1) a review of the application;
 - (2) a review of the findings of the director's investigation; and
 - (3) an in-person interview of the applicant or the applicant's qualified representative and Minnesota manager, if applicable.
- B. The board shall review each application for license reissuance. The reissuance review shall consist of:
 - (1) a review of the documentation submitted by the applicant;
 - (2) a review of the findings of the director's investigation; and
 - (3) an in-person interview which may be requested by the applicant or required by the board if supplemental information is necessary to complete the board's review of the application.

C. If the initial application is not complete within four months of the first submission, the board shall review the application and determine whether some or all of the application process shall be repeated by the applicant or if the application shall be denied and reapplication required. The board's determination shall be based on the following factors:

- (1) whether the information required in the application has lost substantial probative value due to the passage of time; and
- (2) whether the delay in processing the application is due to delay by the applicant or the workload of the board.

7506.0120 TEST.

As part of the application process, every new applicant and every applicant for renewal must pass a written examination on this chapter and *Minnesota Statutes*, sections 326.32 to 326.339. The board shall be responsible for writing the examination and revising it as needed.

7506.0130 LICENSING AND QUALIFICATION.

Subpart 1. **Contingent license.** If an applicant for reissuance submits incomplete or inaccurate information in support of the

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application and the board determines the applicant can correct the problem within a period of 60 days, the board shall issue a contingent license good for 60 days from the date of the board meeting at which the determination is made. The applicant may continue operations during this period. If an application is incomplete or inaccurate due to circumstances within the control of the applicant the board may impose a fine of up to \$50 depending on the culpability of the applicant.

Subp. 2. **Lapsed license.** If an applicant for reissuance fails to submit a timely application or if the application contains incomplete or inaccurate supporting information, and the applicant does not respond to board inquiries regarding the application, the board shall treat the license as lapsed for 60 days from the expiration date. An applicant with a lapsed license is subject to a fine of \$100. A lapsed license does not authorize the holder to conduct business as a private investigator or protective agent. The holder of a lapsed license is eligible for reissuance; however, if the lapsed license expires, the applicant must then file an application for a new license.

Subp. 3. **Financial responsibility.** To provide proof of financial responsibility, an applicant must submit to the board one of the following:

A. an original certificate of insurance in accordance with *Minnesota Statutes*, section 326.3382, subdivision 3, paragraph (d), accompanied by a photocopy of the insurance policy;

B. an original net worth statement in accordance with *Minnesota Statutes*, section 326.3382, subdivision 3, paragraph (e), signed by the applicant; or

C. an irrevocable letter of credit in accordance with *Minnesota Statutes*, section 326.3382, subdivision 3, paragraph (f).

7506.0140 SCHEDULE OF FEES.

Subpart 1. **New applicant fees.** The fees for a license for a new applicant are as follows:

A. Private detective:	
Individual	\$500
Partnership	\$850
Corporation	\$950
B. Protective agent:	
Individual	\$400
Partnership	\$800
Corporation	\$900

All new applicants must also pay a \$15 administrative fee to cover copying, packaging, time, and mailing costs.

Subp. 2. **License reissuance fees.** The fees for a reissuance of a license are set according to the number of employees and are as follows:

A. Private detective:	
0 employees	\$400
1 to 10 employees	\$525
11 to 25 employees	\$650
26 to 50 employees	\$775
51 or more employees	\$900
B. Protective agent:	
0 employees	\$350
1 to 10 employees	\$475
11 to 25 employees	\$600
26 to 50 employees	\$725
51 or more employees	\$850

C. For purposes of this subpart only, an applicant shall determine the number of employees as described in subitems (1) to (3).

(1) Count as one employee each person who regularly works an average of 30 or more hours per week performing duties as described in *Minnesota Statutes*, section 326.338, subdivision 1.

(2) Total the annual hours worked by persons hired periodically or who regularly work less than 30 hours per week performing duties as described in *Minnesota Statutes*, section 326.338, subdivision 1. Divide that total by 1500.

(3) Total the figures from subitems (1) and (2) to calculate the number of employees to use when determining the appropriate fee.

Subp. 3. **Designation fee.** A change in the qualified representative or Minnesota manager shall require payment of one-half the original license fee.

Subp. 4. **Status fee.** A change in license status shall require payment of the difference between the initial license fee and the status level being sought.

Subp. 5. **Filing fee.** All license holders must pay a \$5 filing fee to cover new materials, copying, mailing, packaging, filing information updates, and time costs.

7506.0150 CONDUCT AND ETHICS.

Subpart 1. **Conflict of interest.** No license holder shall undertake a service that conflicts with the interests of the license holder or any other client of the license holder.

Subp. 2. **Client responses.** A license holder shall respond within a reasonable time to all client communication.

Subp. 3. **Board responses.** A license holder shall respond within a reasonable time to all board communication.

Subp. 4. **Unlicensed activities.** A license holder shall not knowingly enter into a contract with an unlicensed party which provides that the unlicensed party will perform one or more of the tasks listed in *Minnesota Statutes*, section 326.338, unless the license holder and unlicensed party fulfill the requirements of *Minnesota Statutes*, section 326.336.

7506.0160 COMPLAINT PROCEDURES.

Complaints to the board shall be processed under the procedures set out in *Minnesota Statutes*, section 214.10.

7506.0170 PENALTIES.

Subpart 1. **Categories of violations.**

A. A serious violation is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of the business of private detective or protective agent services, the public health, safety, or welfare.

B. A violation is any failure other than a serious violation, to comply with law or rule related to private detective or protective agent services.

Subp. 2. **Assignment of categories.** The board shall determine the seriousness of the violation by considering the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of the business of private detective or protective agent services;

B. actual harm caused to person, property, or the integrity of the business of private detective or protective agent services;

C. culpability of the violator; or

D. frequency of the violator's failure to comply with law or rules.

The board, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 3. **Revocation.** For a serious violation the board may revoke the violator's license for a period of two years from the date of the board action. The board shall determine whether revocation is appropriate based on the factors set out in subpart 2. A revocation is subject to a contested hearing under *Minnesota Statutes*, section 326.3387.

Subp. 4. **Suspension.** For violations other than serious violations the board may suspend the violator's license. The board shall determine whether suspension is appropriate and the period of suspension based on factors set out in subpart 2. The board shall not suspend a license for more than one year. A suspension is subject to a contested hearing under *Minnesota Statutes*, section 326.3387.

Subp. 5. **Imposition of fines.** The board may impose a civil fine upon any licensee for a violation of laws or rules related to private detective or protective agent services, after a determination of the severity of the violation using the factors set out in subpart 2.

Subp. 6. **Amount of fines.** The fine for a serious violation shall be \$500 to \$2500. The fine for other violations shall not exceed \$499. The board shall consider the severity of the violation by using the factors set out in subpart 2 when imposing a fine.

Subp. 7. **Deadline for paying fines.** All fines imposed by the board must be paid within ten business days of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension.

Subp. 8. **Criminal liability.** Imposing a penalty under this part does not affect any criminal liability on the part of the affected party.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

7506.0180 LICENSE REINSTATEMENT.

Subpart 1. **Reinstatement following suspension.** The board shall reinstate the license of any person who is under suspension upon the fulfillment of the following requirements:

- A. the suspension period must expire or the person must satisfy all conditions of suspension; and
- B. all applicable fines must be paid.

Subp. 2. **Reinstatement following revocation.** The board shall reinstate the license of any person whose license is revoked upon the fulfillment of the following requirements:

- A. the revocation period must expire;
- B. all applicable fines must be paid; and
- C. the person must apply for a new license, meet statutory requirements and license qualifications, and pay the applicable licensing fee.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Jobs and Training

Adopted Permanent Rules Relating to Youth Employment Opportunities

The rules proposed and published at *State Register*, Volume 14, Number 49, pages 2836-2837, June 4, 1990 (14 SR 2836) are adopted with the following modifications:

Rules as Adopted

3300.0100 DEFINITION OF TERMS.

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment and training funded under the act. Support services ~~may~~ include transportation, child care, meals, temporary shelter, reasonable and necessary safety equipment, required uniforms, and other normal expenses associated with employment and training funded under the act.

Subp. 10. **Transitional services.** "Transitional services" means services which help eligible youth complete school, upgrade basic skills, and prepare for additional schooling or permanent employment. Transitional services ~~may~~ include counseling, case management, basic skills training and remedial education, life skills training, mentoring and tutoring services, and work readiness skills training.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2386: Regulations for the Taking By Residents of Whitefish and Cisco By the Use of Gillnets for Private Use; Superseding Commissioner's Order No. 2357

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97C.401, 97C.805 and other applicable law, I,

Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking by residents of whitefish and cisco by gillnets for private use.

Section I. Subject to the conditions and restrictions prescribed by this order, the waters hereinafter listed in each of the seven schedules shall be open during the designated seasons to the taking of whitefish and cisco by gillnets of the mesh sizes specified. The names of bodies of water refer to lakes unless otherwise indicated. The abbreviations "S," "T," and "R" refer to sections, townships and ranges, respectively.

(a) Schedule I. All bodies of water listed in this schedule shall be open and closed on a 48-hour notice posted at lake accesses and other public places, provided that no gillnet or any part thereof shall be set in any water deeper than six feet, measured from the lake bottom to the top surface of the water or ice.

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
AITKIN, CROW WING AND MILLE LACS:		
Mille Lacs	X	
BECKER:		
Straight, T.140, R.36, S.6,7,17,18,20	X	
CASS AND ITASCA:		
Winnibigoshish, T.145, R.27,28,29; T.146, R.27,28,29; T.147, R.27,28	X	
COOK:		
Flour, T.64, R.1E,1W		X
Poplar, T.64, R.1W,2W	X	
CROW WING, AITKIN AND MILLE LACS:		
Mille Lacs (See Aitkin, Crow Wing and Mille Lacs Counties)		
ITASCA:		
Balsam, Big, T.58,59, R.24, S.5,6,8,9,31,32		X
Deer, T.56, R.26,27; T.57, R.26,27, S.Var.	X	
Nashwauk, T.57, R.23,24, S.7,18;12,13		X
Reilley (O'Reilly), T.56, R.24, S.5,6		X
Swan, T.55,56, R.22,23, S.Var.		X
Trout, T.55,56, R.24		X
ITASCA AND CASS:		
Winnibigoshish (See Cass and Itasca Counties)		
KANDIYOHI:		
Green, T.120, R.33,34; T.121, R.33,34	X	
LAKE:		
Basswood, T.64,65, R.9,10,11, S.Var.		X
Ojibway, T.63, R.9,10, S.Var.		X
Newton, T.63,64, R.11, S.Var.	X	
LAKE AND ST. LOUIS:		
Fall, T.63, R.11,12, S.Var.; T.64, R.11		X
MILLE LACS, AITKIN AND CROW WING:		
Mille Lacs (See Aitkin, Crow Wing and Mille Lacs Counties)		
St. LOUIS:		
Bear Island, T.61, R.13, S.Var.		X
Ely, T.57,58, R.17		X
Shagawa, T.63, R.12, S.Var.	X	
Vermilion, T.61, R.16; T.62, R.14,15,16,17; T.63, R.15,16,17,18—All except Pike Bay, south and west of a north-south line at narrowest portion between Echo Point and Punchers Point, T.52, R.15, S.19,20	X	
ST. LOUIS AND LAKE:		
Fall (See Lake and St. Louis Counties)		

(b) Schedule II. All bodies of water listed in this schedule shall be open from November 2 to December 9, 1990, inclusive, provided

Commissioners' Orders

that no gillnet or any part thereof shall be set in any water deeper than six feet, measured from the lake bottom to the top surface of the water or ice.

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
AITKIN:		
Sandy, Big, T.49, R.23,24; T.50, R.23,24	X	
BECKER:		
Bemidji, Little, T.142, R.39, S.23,24,25,26	X	
Cotton, T.139,140, R.40	X	
Curfman, T.138, R.41	X	
Detroit, T.138,139, R.41	X	
Eunice, T.138, R.42, S.26,27	X	
Floyd, Big, T.139, R.41	X	
Long, T.138,139, R.41	X	
Many Point, T.141, R.38; T.142, R.38,39	X	
Maud, T.138, R.42	X	
Melissa, T.138, R.41	X	
Net (Burnett) T.142, R.40, S.17,18,19,20	X	
Pike, T.142, R.38	X	
Round, T.141, R.38,39	X	
Strawberry, T.141,142, R.40		X
BECKER AND CLEARWATER:		
Moore, T.142, R.38, S.5; T.143, R.38, S.32	X	
BECKER AND MAHNOMEN:		
Tulaby, T.142,143, R.39	X	
White Earth, T.142,143, R.40	X	
BECKER AND OTTER TAIL:		
Graham, T.137,138, R.40	X	
Murphy, T.137, R.39, S.6; T.138, R.39, S.31	X	
BELTRAMI:		
Beltrami, T.148, R.32,33	X	
Blackduck, T.149, R.31	X	
Buzzle, Big, T.148, R.35		X
Carr, T.146, R.33	X	
Deer, T.148, R.34	X	
Grant, T.146,147, R.34		X
Gilstad, T.148,149, R.30	X	
Kitchie, T.146,147, R.30	X	
Marquette, T.146, R.30	X	
Movil, T.147,148, R.33	X	
Pimushe, T.147,148, R.30,31	X	
Turtle, Big, T.148, R.33	X	
Turtle, Little, T.148, R.31,32	X	
Turtle River Lake, T.147,148, R.32	X	
BELTRAMI AND CASS:		
Cass, T.145,146, R.30,31	X	
BELTRAMI AND CLEARWATER:		
Clearwater, T.149, R.35,36	X	
BELTRAMI AND HUBBARD:		
Plantaganette, R.145, R.33,34; T.146, R.33	X	
CARLTON:		
Hanging Horn, Big, T.46, R.19	X	

Commissioners' Orders

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
CASS:		
Bass, Big, T.140, R.26, S.27,28,34		X
Blackwater, T.140, R.29, S.25,26,34,35,36	X	
Boy, T.142, R.27,28	X	
Crooked, T.144, R.31	X	
Gull, Upper, T.135, R.29	X	
Howard, T.141, R.31		X
Leavitt, R.139, R.25,26	X	
Margaret (Kilpatrick), T.135, R.29	X	
Pike Bay, T.145, R.30,31	X	
Pillager, T.133,134, R.30		X
Pine Mountain, T.138, R.30; T.139 R.30,31		X
Portage, T.141, R.31		X
Pug Hole Lake, T.140, R.26, S.2,3,10		X
Sucker, Lower, (Big Sucker), T.144, R.30; T.145, R.29,30	X	
Swift, T.142, R.27	X	
Thunder, Big, T.140, R.26	X	
Wabedo, T.140, R.28	X	
Washburn, T.139, 140, R.26	X	
Wilson Bay, T.134, R.29,30	X	
Woman, T.140, R.28,29; T.141 R.28,29	X	
CASS AND BELTRAMI:		
Cass (See Beltrami and Cass Counties)		
CASS AND CROW WING:		
Gull, T.134, R.29,30; T.135, R.29	X	
Roy, T.135, R.29	X	
CASS AND HUBBARD:		
Steamboat, T.144, R.31,32	X	
CASS AND ITASCA:		
Winnibigoshish, Little, T.145, R.26,27; T.146, R.26,27, except those portions within one-fourth mile of river channels		X
CLEARWATER AND BECKER:		
Moore (See Becker and Clearwater Counties)		
CLEARWATER AND BELTRAMI:		
Clearwater (See Beltrami and Clearwater Counties)		
CROW WING:		
Bass, T.137, R.28	X	
Black Bear, T.46, R.29,30; T.47, R.29,30		X
Clear, T.137, R.28		X
Crooked, T.45, R.28, S.16,17,19-21,29,30	X	
Eagle, T.45, R.29		X
Fox, East, T.138, R.27	X	
Fox, West, T.138, R.27	X	
Kimble, T.137, R.28		X
Long, Lower South, T.44, R.29,30	X	
Mitchell, T.138, R.27	X	
Nisswa, T.135, R.29	X	
Ossawinamakee (Long), T.136,137, R.28	X	
Pelican, T.135, R.27,28; T.136, R.27,28	X	
Portage, T.45, R.28, S.29,30	X	
Round, T.134, R.28,29; T.135, R.28,29	X	
Serpent, T.46, R.28,29		X
Star, T.137, R.28	X	

Commissioners' Orders

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
CROW WING AND CASS:		
Gull (See Cass and Crow Wing Counties)		
Roy (See Cass and Crow Wing Counties)		
DOUGLAS:		
Andrew, T.127, R.38	X	
Burgen, T.127,128, R.37	X	
Carlos, T.128,129, R.37	X	
Geneva, T.128, R.37	X	
Ida, T.129,130, R.38	X	
Irene, T.130, R.37	X	
Latoka, T.128, R.38	X	
LeHomme Dieu, T.128,129, R.37	X	
Miltona, T.129,130, R.37,38	X	
Rachel, T.127, R.39		X
Victoria, T.128, R.37	X	
DOUGLAS AND TODD:		
Osakis, T.128, R.35,36; T.129, R.35	X	
HUBBARD:		
Benedict, T.142, R.32		X
Channel between Potato and Eagle Lakes, T.141, R.35, S.22	X	
Channel between Fifth and Sixth Crow Wing Lakes, T.140, R.33, S.20	X	
Channel between Seventh and Eighth Crow Wing Lakes, T.140, R.33, S.12,13,14	X	
Crow Wing, Ninth, T.140,141, R.32	X	
Fish Hook, T.140, R.34,35	X	
Island, T.141, R.35	X	
Kabekona, T.142, R.32; T.143, R.32,33		X
Oak (Mud), T.143, R.32, S.27	X	
HUBBARD AND BELTRAMI:		
Plantaganette (See Beltrami and Hubbard Counties)		
HUBBARD AND CASS:		
Steamboat (See Cass and Hubbard Counties)		
ITASCA:		
Ball Club, T.144, R.25,26; T.145, R.26	X	
Bass, north basin and Snyder Bay to the narrows, T.56, R.26	X	
Bello, T.60, R.26,27	X	
Bowstring, T.146, R.25,26; T.147, R.25,26	X	
Bowstring, Little, T.58, R.27, S.23,24	X	
Cut Foot Sioux, T.146,147, R.27	X	
Deer, T.62, R.24, S. Var.	X	
Graves, T.58, R.26	X	
Island, T.150, R.28	X	
Jessie, T.147,148, R.25	X	
Jessie, Little, T.147, R.25		X
Maple, T.60, R.27	X	
Pokegama, T.54, R.25,26; T.55, R.25,26		X
Round, T.148, R.27,28		X
Rush Island, T.148, R.26, S.15,21,22	X	
Sand, Big, T.147,148, R.26	X	
Spring, Big, T.148, R.25	X	
Turtle, Big, T.59, R.26,27; T.60, R.26,27		X
Twin Lakes, T.56, R.23,24	X	
ITASCA AND CASS:		
Winnibigoshish, Little (See Cass and Itasca Counties)		

Commissioners' Orders

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
LAKE: Farm, T.62,63, R.11, S.2,3,33,34		X
MAHNOMEN: McCraney, T.143, R.40, S.25,26 Snyder (Snider) T.143, R.39,40	X X	
MAHNOMEN AND BECKER: Tulaby (See Becker and Mahnomen Counties) White Earth (See Becker and Mahnomen Counties)		
OTTER TAIL AND BECKER: Graham (See Becker and Otter Tail Counties) Murphy (See Becker and Otter Tail Counties)		
ST. LOUIS: Prairie, T.50, R.20	X	
STEARNS AND TODD: Sauk, Big, T.126,127, R.34	X	
TODD AND DOUGLAS: Osakis (See Douglas and Todd Counties)		
TODD AND STEARNS: Sauk, Big (See Stearns and Todd Counties)		
(c) Schedule III. All bodies of water listed in this schedule shall be open from October 12 to December 2, 1990, inclusive, provided that no gillnet or any part thereof shall be set in any water deeper than six feet, measured from the lake bottom to the top surface of the water or ice.		
CASS AND HUBBARD: Leech, including Kabekona Bay and all other bays, T.141 R.29,31; T.142, R.28,29,30,31,32; T.143, R.28,29,30,31; T.144, R.28,29,30	X	
COOK: Caribou, T.65, R.1E Deer, T.64, R.1E, S.4,5; T.65, R.1E, S.32,33 Pike, East, T.65, R.2E,3E	X	X X
HUBBARD AND CASS: Leech, including Kabekona Bay and all other bays (See Cass and Hubbard Counties)		
KOOCHICHING AND ST. LOUIS: Kabetogama, T.69,70, R.19-22 Rainy, T.69-71, R.17-24		X X
LAKE: Isabella, T.61, R.8; T.62, R.7,8 Silver Island, T.60, R.6; T.61, R.6,7	X X	
LAKE OF THE WOODS AND ROSEAU: Lake of the Woods	X	
ROSEAU AND LAKE OF THE WOODS: Lake of the Woods (See Lake of the Woods and Roseau Counties)		
ST. LOUIS: Crane, T.67, R.16,17 Namakan, T.68, R.17,18; T.69, R.17,18,19, except the narrows between Namakan and Sand Point Lakes Sand Point, T.67, R.16,17; T.68, R.16,17, except the narrows between Sand Point and Namakan Lakes and Sand Point and Little Vermilion Lakes		X X X
ST. LOUIS AND KOOCHICHING: Kabetogama (See Koochiching and St. Louis Counties) Rainy (See Koochiching and St. Louis Counties)		

Commissioners' Orders

<u>County</u>	<u>Min. mesh size 3½ inches</u>	<u>Min. mesh size 1¾ inches</u>
<p>(d) Schedule IV. All bodies of water listed in this schedule shall be open from November 2 to December 9, 1990, inclusive, and it shall be permissible to set portions of gillnets into water deeper than six feet, provided that one end of the gillnet is set in water no deeper than six feet, measured from the lake bed to the top surface of the water or ice.</p>		
BELTRAMI:		
Sandy, T.149, R.35		X
CASS:		
Jack, T.141,142, R.30		X
HUBBARD:		
Long, T.139,140, R.34		X
<p>(e) Schedule V. All bodies of water listed in this schedule shall be open from November 9 to December 9, 1990, inclusive, provided that no gillnet or any part thereof shall be set in any water deeper than six feet, measured from the lake bottom to the top surface of the water or ice.</p>		
BECKER:		
Buffalo, T.140, R.40,41; T.141, R.40	X	
Elbow, Big, T.142, R.38,39	X	
CASS:		
Ten Mile, T.140, R.30,31; T.141, R.30,31		X
OTTER TAIL:		
Crystal, T.136, R.42	X	
Fish, T.137, R.42	X	
Franklin, T.136,137, R.42	X	
Jewett, T.134, R.43	X	
Leaf, Middle, T.134, R.38	X	
Leaf, West, T.134, R.38	X	
Lida, T.135,136, R.42	X	
Lizzie, T.136,137, R.42	X	
Pelican, Big, T.137, R42,43	X	
Pine, Big, T.136,137, R.38	X	
Pine, Little, T.136, R.39; T.137, R.38,39	X	
Stalker, T.132, R.41	X	
Star, T.135, R.40,41; T.136, R.41	X	
Wimer, T.137, R.40	X	
<p>(f) Schedule VI. All bodies of water listed in this schedule shall be open from November 9 to December 9, 1990, inclusive, and it shall be permissible to set portions of gillnets in water deeper than six feet, provided that one end of the gillnet is set in water no deeper than six feet, measured from the lake bed to the top surface of the water or ice.</p>		
BECKER:		
Ice cracking, T.141 R.38,39	X	
OTTER TAIL:		
Leaf, East, T.134, R.37,38	X	
Long, T.134, R.42,43	X	
<p>(g) Schedule VII. The bodies of water listed in this schedule shall be open during the times listed for each, and it shall be permissible to set portions of gillnets in water deeper than six feet, provided that one end of the gillnet is set in water no deeper than six feet, measured from the lake bed to the top surface of the water or ice.</p>		
BELTRAMI:		
Upper Red, only that portion outside the Red Lake Indian Reservation T.153, R.31,32,33,34; T.154, R.30,31,32,33,34; T.155, R.30,31,32—Dates open from October 12 to November 18, 1990, incl.		X
<p>Sec. 2. Whitefish and cisco shall be taken by gillnetting only pursuant to this order and in accordance with all applicable laws and regulations. Both resident angling and whitefish netting licenses are required. All waters of the state except those designated in this</p>		

order are closed to the taking of whitefish and cisco by gillnetting. No whitefish or cisco taken pursuant to this order shall be bought or sold.

Sec. 3. No gillnet used in the taking of fish pursuant to this order shall be set after sunset or raised before sunrise. All gillnets used in the taking of fish pursuant to this order shall be set by the licensee and shall be lifted by the licensee at least once each 24 hours. No person shall use more than one gillnet or any gillnet exceeding 100 feet in length or three feet in depth. The minimum size of the mesh of gillnets shall be identified in mesh size columns following each lake or body of water listed. The columns shall indicate minimum mesh sizes of 3½ or 1¾ inches stretch measure. No gillnet shall be set within 50 feet of another gillnet. Each gillnet shall have a metal tag bearing the name and address of the licensee attached on one end of the float line near the first float. Such tag shall be of a minimum size of 2½ inches by ¾ inch and shall be provided by the owner or operator of such gillnet. One end of the gillnet shall have a pole, stake, or buoy projecting at least two feet above the surface of the water or ice.

Sec. 4. Any species of fish that are not permitted to be taken pursuant to this order must be returned to the water immediately, dead or alive, except that any rough fish may be retained.

Sec. 5. If the director of fish and wildlife determines that the taking of fish pursuant to this order results or may result in injury to game fish populations in any of the waters designated herein, he may declare such waters closed to such taking of fish by posting notice thereof at not less than three places which he may deem suitable therefor on the shore of such waters or at entrances thereto, and thereupon this order shall forthwith be suspended and become inoperative as to such waters, and the taking of fish in such waters as authorized by this order shall be unlawful.

Sec. 6. No person shall have in possession any fishing equipment except gillnets as prescribed herein while performing any of the operations authorized by this order.

Sec. 7. Commissioner's Order No. 2357 is hereby superseded.

Dated at St. Paul, Minnesota, this 21st day of August, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2387: Regulations for the Taking of Migratory Game Birds By Falconry; Superseding Commissioner's Order No. 2353

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* § 97B.105 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of migratory game birds by falconry. Such taking shall be subject to the provisions of this order and all other regulations pertaining to the taking, possession, and transportation of migratory game birds, to the extent they are not inconsistent with the provisions of this order. All dates and time periods specified in this order are inclusive, unless otherwise noted.

Section 1. FALCONRY SEASON, LIMITS AND HOURS.

Woodcock, sora and Virginia rails, common snipe, ducks, coots and moorhens (gallinules) may be taken by falconry from September 1 to December 16. Geese may be taken by falconry from the Saturday nearest October 1 to December 16. Crows may be taken by falconry during the dates prescribed in the Commissioner's order regulating the taking of crows. Bag limits are three (3) daily in the aggregate and six (6) in possession in the aggregate. Falconry hours are from one-half hour before sunrise to sunset except during the regular waterfowl season when falconry hours are the same as waterfowl shooting hours. No person shall hunt by falconry while in possession of, or having under control, any firearm.

Sec. 2. GAME REFUGES AND STATE PARKS.

None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

Sec. 3. Commissioner's Order No. 2353 is hereby superseded.

Dated at St. Paul, Minnesota, this 22nd day of August, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2388: Regulations Designating Certain Waters As Migratory Waterfowl Feeding and Resting Areas; Superseding Commissioner's Order No. 2356

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* § 97A.095 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations designating certain waters as migratory waterfowl feeding and resting areas.

Section 1. DESIGNATED FEEDING AND RESTING AREAS.

Petitions having been filed in accordance with the provisions of *Minnesota Statutes* § 97A.095, subd. 2, and said petitions having been duly investigated and considered, the following described areas are hereby designated as migratory waterfowl feeding and resting areas during open migratory waterfowl seasons until rescinded by Commissioner's order. Migratory Waterfowl Feeding and Resting Areas shall be posted as such during open migratory waterfowl seasons.

(a) All waters on: Pleasant Lake (70-98) (County-Lake basin number: Bulletin No. 25 An Inventory of Minnesota Lakes; DOW-MN/DNR 1968) in Scott County; Upper Rice Lake (15-59) in Clearwater County; Bear Lake (24-28) in Freeborn County; Rice Lake (31-876) in Townships 148 and 149 North, Range 27 West and Squaw Lake (31-877) in Itasca County; Nelson Lake (61-101) and Lake Johanna (61-6) in Pope County; Big Rice Lake (11-73) in Cass County; Dora Lake (40-10), Scotch Lake (40-109), Diamond Lake (40-13), and Sanborn Lake (40-27) in LeSueur County; Turtle Lake (60-32) in Polk County; Tiger Lake (10-108) in Carver County; Puposky Lake (4-198) and Little Puposky Lake (4-197) in Beltrami County; Unnamed Lake (43-53) in Section 28, Township 114 North, Range 29 West, Penn Township, and Bakers Lake (43-48) in McLeod County; Washington Lake (72-17) in Sibley County; and Cottonwood Lake (7-24) in Blue Earth County.

(b) All that portion of Marsh Lake (6-1) in Big Stone, Lac qui Parle and Swift Counties lying easterly and southeasterly of a line beginning at the point where the west section line of Section 10, Township 120 North, Range 44 West, meets the lake water line; thence running southeasterly approximately 370 rods to the southwest corner of Egret Island located in Section 15, Township 120 North, Range 44 West; thence running southeasterly approximately 340 rods to a point where the east section line of Section 22, Township 120 North, Range 44 West, intersects the water line of the south shore of the lake.

(c) All that portion of Lake Lizzie (56-760) in Otter Tail County in Sections 3, 4, 5, 6, 7, 8 and 9, Township 136 North, Range 42 West.

(d) All that portion of Pelican Lake (69-841) in St. Louis County within the following described area:

From the Iron Pipe located at the northeast corner of Section 27, Township 65 North, Range 20 West, proceed 2000 feet South 34° West to starting point; thence proceed 5600 feet South 52° East; thence proceed 6200 feet South 37° West; thence proceed 7360 feet North 9° East; thence proceed 6840 feet North 62° East closing at starting point encompassing an area of 1160 acres.

(e) That part of Heron Lake (32-57) known as South Heron Lake in Jackson County except those portions described as follows: that part lying northwesterly of a straight line beginning at the state-owned access on the west shore in Section 15, Township 103 North, Range 37 West; thence running northeasterly to the point of the peninsula on the east side of the inlet to Okabena and Division Creeks located in Section 10, Township 103 North, Range 37 West; ALSO that part lying South of a straight line beginning at Burmeisters Point in Section 13, Township 103 North, Range 37 West; thence running westerly to Sandy Point in Section 24, Township 103 North, Range 37 West.

(f) That part of Heron Lake (32-57) known as North Heron Lake in Jackson County except those areas known as Winzer Bay and North Marsh.

(g) All of Lake Christina (21-375) in Grant and Douglas Counties except that part lying southerly of a straight line beginning at the easterly terminus of the north line of Government Lot 3, Section 12, Township 130 North, Range 41 West, at the water's edge of Lake Christina; thence running easterly to the water's edge at the northwesterly point of the Peninsula of Government Lot 1, Section 8, Township 130 North, Range 40 West, that projects into said lake.

(h) All that portion of Mud Lake (78-24) in Traverse County within the following described area:

Beginning at the point where the Bois de Sioux River enters the bed of Mud Lake north of Reservation Dam, thence northeasterly along the western boundary of Minnesota to a point due west of the farthest north portion of Lewis Point, thence easterly to said point on Lewis Point, thence southeasterly along the shoreline of Mud Lake defined by the prevailing water level to the point of beginning.

Sec. 2. REGULATIONS.

A person may not enter a posted migratory waterfowl feeding and resting area during the open migratory waterfowl season with watercraft or aircraft propelled by a motor, except as follows:

(a) This restriction shall not apply to uniformed employees of the Department of Natural Resources and other agents of the

Commissioner while in the performance of their official duties.

(b) A disabled or handicapped person, under permit from the Commissioner, may use an electric motor of less than 30 pounds thrust.

(c) On the lakes listed below, a person may use an electric motor of less than 30 pounds thrust within the designated migratory waterfowl feeding and resting area during the open waterfowl season:

- (1) Puposky Lake (4-198), Beltrami County;
- (2) Little Puposky Lake (4-197), Beltrami County;
- (3) Heron Lake (32-57), Jackson County;
- (4) Mud Lake (78-24), Traverse County;
- (5) Bakers Lake (43-48), McLeod County;
- (6) Unnamed Lake (43-53), McLeod County;
- (7) Bear Lake (24-28), Freeborn County;
- (8) North Heron Lake (32-57), Jackson County;
- (9) Tiger Lake (10-108), Carver County; and
- (10) Turtle Lake (60-32), Polk County.

Sec. 3. Commissioner's Order No. 2356 is hereby superseded.

Dated at St. Paul, Minnesota, this 22nd day of August, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Human Services

Adopted Emergency Amendments to Permanent Rules Relating to Chemical Dependency Care for Public Assistance Recipients and the Consolidated Chemical Dependency Treatment Fund

The rules proposed and published at *State Register*, Volume 14, Number 47, pages 2716-2718, May 21, 1990 (14 SR 2716) are adopted with the following modifications:

Emergency Rules

Rules as Adopted

9530.6605 DEFINITIONS.

Subp. 10a. **Combination inpatient/outpatient treatment.** "Combination inpatient/outpatient treatment" means chemical dependency primary rehabilitation licensed as Category II under parts 9530.4100 to 9530.4450 of seven to 14 days duration followed by outpatient chemical dependency treatment licensed under parts 9530.5000 to 9530.6500 of three or more weeks duration. The duration requirements may be altered if specified in a host county agreement conforming to part 9550.0040.

[For text of subs 11 to 25 15, see M.R.]

Subp. 15a. **Facility that controls access to chemicals.** "Facility that controls access to chemicals" means a residential facility that has rules prohibiting residents from bringing chemicals into the facility and from using chemicals while a resident in the facility and that has penalties that are imposed upon violation of those rules. A facility that controls access to chemicals does not include a program licensed according to parts 9530.5000 to 9530.6500.

[For text of subs 16 to 25, see M.R.]

9530.6640 PLACEMENT CRITERIA FOR EXTENDED CARE.

A client shall be placed in extended care if the client is assessed as chemically dependent under part 9530.6620, subpart 2, and ~~meets the criteria of item A or B:~~

~~A:~~ the client is experiencing four or more of the following:

- (+) A. The client has participated in primary rehabilitation treatment within the past two years or has participated in Category II, III, or IV programs three or more times in the client's lifetime.
- (+) B. The client has a previous arrest or legal intervention related to chemical use in the past year.
- (+) C. The client has a history of physical deterioration due to chemical use documented by a physician.
- (+) D. The client lacks family support.
- (+) E. The client has a loss of employment or has experienced suspension or expulsion from school due to chemical use.
- (+) F. The client lacks recognition of the need to change harmful behaviors.
- (+) G. The client has a history of a mental disorder which is now under control as documented by a psychiatrist, licensed consulting psychologist, or licensed psychologist.

~~B: The client has used chemicals to intoxication three or more times per week for two years and experienced item A, subitem (2), (3), (5), or (7).~~

9530.6650 EXCEPTIONS TO PLACEMENT CRITERIA.

Subp. 3. [See Repealer.]

Subp. 3a. Exceptions to part 9530.6641. Clients who meet the criteria in part 9530.6641 [Emergency] shall be exempt from its provisions when they meet one of the following:

A. the client is pregnant or a single custodial parent;

B. the client:

(1) has a physical or mental health diagnosis that negatively affects the client's ability to benefit from treatment and that was not recognized at the time of the client's most recent placement; and

(2) is being referred to a program that offers specific services that address the client's physical or emotional condition; or

C. the client has voluntarily left a treatment program within the seven days preceding assessment and is being referred to the same program.

9530.7000 DEFINITIONS.

Subp. 9a. **Custodial parent.** "Custodial parent" means a natural or adoptive parent with whom a minor child is ~~residing~~ resides at the time of assessment.

9530.7031 [Emergency] VENDOR'S DUTY TO COLLECT CLIENT FEES.

A vendor must collect client fees according to the requirements of items A to E.

C. A client's failure to pay a fee under this part shall be cause for discharge only if the discharge is in accordance with the vendor's discharge and transfer policy specified in part 9530.4300, subpart 5; except that clients committed according to Minnesota Statutes, chapter 253B, shall be discharged only according to Minnesota Statutes, chapter 253B.

F. The vendor's obligation to collect fees ends when the client is discharged.

G. The department shall bill the client for any fee not paid to the vendor according to this part, based on information supplied by the vendor.

REPEALER. Minnesota Rules, part 9530.6650, subpart 3, is repealed for the duration of these emergency rules.

EFFECT OF EMERGENCY AMENDMENTS AND REPEALER. After the emergency amendments to Minnesota Rules, parts 9530.6605, 9530.6625, 9530.6630, 9530.6640, 9530.6650, and 9530.7000 expire, the permanent rules as they read prior to those amendments shall again be in effect, except as may be amended by permanent rule. In addition, the repeal of Minnesota Rules, part 9530.6650, subpart 3 is effective until these emergency amendments expire. After the emergency amendments expire, Minnesota Rules, part 9530.6650, subpart 3 shall be revived, except as may be amended by permanent rule.

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Health Care Access Commission

Notice of Meeting

The next meeting of the Minnesota Health Care Access Commission will be Thursday, September 13, 1990, from 1:00 to 5:00 p.m. at the Sabathani Community Center, 310 E. 38th St. in Minneapolis.

Please call the Health Care Access Commission office, 297-5980, for further information.

Department of Health

Health Resources Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Home Care Registration Fees

NOTICE IS HEREBY GIVEN that the State Department of Health is seeking information or opinions¹⁷ from sources outside the agency in preparing to propose the adoption of a rule governing registration fees for home care and hospice providers. The adoption of the rule is authorized by *Minnesota Statutes*, section 144A.49, which requires the agency to collect a fee from home care providers that register with the Department.

The State Department of Health requests information and opinions concerning the subject matter of the proposed rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: David Siegel, Minnesota Department of Health, 393 N. Dunlap Street, P.O. Box 64900, St. Paul, MN 55164-0900. Oral statements will be received during regular business hours over the telephone at (612) 643-2159 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Health will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

David Siegel

Department of Health

Maternal and Child Health Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendments Governing Family Planning Special Project Grants

NOTICE IS HEREBY GIVEN that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose amendments to rules governing Family Planning Special Project Grants. Specific provisions proposed to be amended are *Minnesota Rules*, parts 4700.2000, 4700.2300, 4700.2400 and 4700.2550. The adoption of the rule amendments is authorized by *Minnesota Statutes*, sections 144.05, 144.12, subdivision 1, and 145.925, which permit the Commissioner of Health to make special grants to cities, counties, groups of cities or counties, or nonprofit corporations to provide pre-pregnancy family planning services, and to promulgate rules relating thereto.

The State Department of Health requests information and opinions concerning the subject matter of the proposed rule amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Erica Fishman, Minnesota Department of Health, Maternal and Child Health Technical Services, 717 SE Delaware, P.O. Box 9441, Mpls., MN 55440. Oral statements will be received during regular business hours over the telephone by Erica Fishman at 612-623-5267 and in person at the above address.

All statements of information and opinions shall be accepted until October 10, 1990. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge if the rule is adopted.

Dated: 8 August 1990

Erica Fishman
Family Planning Consultant

Department of Health

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Procedures for Assessing Clients of Intermediate Care Facilities for the Mentally Retarded (ICF/MR) for the Purpose of Medical Assistance Program Reimbursement to Those Facilities

NOTICE IS HEREBY GIVEN that the State Department of Health is seeking information or opinions from sources outside the Department of Health in preparing to propose the adoption of rules governing assessment of ICF/MR clients and the assignment of ICF/MR reimbursement classes under the Medical Assistance program. The adoption of the rule is authorized by *Minnesota Statutes*, § 144.0723, which permits the Commissioner of Health to assign reimbursement classifications to ICF/MR clients and to establish a procedure for reconsideration of the classifications assigned to applicants; requires the ICF/MR facility to allow the Commissioner access to information relating to clients' assessments; and permits the Commissioner to audit assessments of clients.

The Minnesota State Department of Health requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Connie Krmpotich
Health Resources Division
Central Medical Building
P.O. Box 64938
393 North Dunlap
St. Paul, MN 55164-0900

Oral statements will be received during regular business hours over the telephone at (612) 643-2504 and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State

Department of Health shall become a part of the rulemaking record to be submitted to the attorney general or administrative law judge if the rule is adopted.

Connie Krmptich
Assistant Section Chief
Quality Assurance and Review
Health Resources Division
Department of Health

Department of Human Services

Health Care Management Division

Public Notice Regarding Changes to the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Program

NOTICE IS HEREBY GIVEN to providers of Minnesota Medical Assistance (MA) and General Assistance Medical Care (GAMC) and to the public of certain administrative dental services program changes. This notice is published pursuant to *Minnesota Statutes*, section 256B.0625, subdivision 25, which governs Medical Assistance. The purpose of this notice is to inform MA and GAMC providers and the public of changes in the process to request specific dental services which require prior authorization.

Effective October 1, prior authorization by telephone will be available for MA and GAMC dental services providers to request any of the following specific health services:

- Outpatient dental general anesthesia
Service code limited to: 09999
- Emergency tooth extractions
Service codes limited to: 07210, 07220, 07230
- Initial full denture(s) placement
Service codes limited to: 05110, 05120, 05130, 05140
- Lost or broken full denture(s) replacement
Service codes limited to: 05110, 05120, 05130, 05140

Telephones will be staffed during the hours of 8 a.m. to 4:30 p.m., Monday through Friday. The telephone number available in the metro area is (612) 297-2947. The toll-free telephone number available elsewhere in Minnesota is 1-800-657-3616.

Minnesota Pollution Control Agency

Hazardous Waste Division

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Land Disposal of Hazardous Waste, *Minnesota Rules chs. 7001 and 7045*

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment and adoption of rules governing land disposal restrictions (LDR) for hazardous wastes. The Agency rules governing LDR will correspond to federal rules promulgated by the U.S. Environmental Protection Agency. The federal rules governing LDR were published as follows: LDR for First Third Scheduled Wastes [Volume 53, *Federal Register* (FR.), page 31138] August 17, 1988; LDR for Second Third Scheduled Wastes [54 FR. 26594] June 23, 1989; and LDR for Third Third Scheduled Wastes [55 FR. 22520] June 1, 1990. The amendment and adoption of these rules is required in order to maintain federal authorization of the Agency's hazardous waste program and is authorized by *Minnesota Statute* § 116.07, subd. 4 (1988), which allows the Agency to adopt rules relating to the regulation of hazardous waste.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to: Nathan B. Cooley, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155 (telephone 612/643-3477).

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. All statements of information and opinion will be accepted until October 10, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is adopted and amended.

Gerald L. Willet, Commissioner

Department of Public Safety

Driver and Vehicle Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Non-Alcohol-Related Driver's License Withdrawal Including No-Fault Insurance

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing the non-alcohol-related driver's license withdrawal including no-fault insurance. The adoption of the rule is authorized by *Minnesota Statutes*, section 169.795, which requires the agency to adopt rules to assure proof of motor vehicle insurance.

On November 13, 1989, the Department of Public Safety published notice in the *State Register* soliciting outside opinion regarding proposed rules on non-alcohol-related driver's license withdrawal including commercial driver disqualification and license reinstatement. The Department has made the decision to include the proof of motor vehicle insurance rule in this proposed rule and is again publishing notice to ensure that all persons are given the opportunity to comment on all sections of the proposed rule.

The State Department of Public Safety requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Carol Manteuffel
Driver & Vehicle Services
208 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2608 and in person at the above address.

Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is October 2, 1990.

PIPELINE SAFETY ADVISORY COUNCIL

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155. 612-296-6642.

Minnesota Statutes 299J.06

APPOINTING AUTHORITY: Commissioner of Public Safety. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member: a representative of the gas pipeline industry.

The council advises the commissioner, director and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The council consists of nine members including one member from the hazardous liquid pipeline industry, one member from the gas pipeline industry, one member from personnel who design or construct pipelines, three members who are state or local government employees, and three members who are state residents unaffiliated with state or local government or the pipeline or utility industries.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591.

Minnesota Statutes 148.01-148.106

APPOINTING AUTHORITY: Executive Director, State Board of Chiropractic Examiners. **COMPENSATION:** \$55 per diem.

VACANCY: Two professional members: licensed Minnesota chiropractors.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

MN INDIAN SCHOLARSHIP COMMITTEE

727 Capitol Square Bldg., St. Paul 55101. 612-296-6458.

Minnesota Statutes 124.48

APPOINTING AUTHORITY: Board of Education. **COMPENSATION:** Reimbursed for expenses.

VACANCY: Two members: One to be the duly elected Secretary/Treasurer of the Fond du Lac Reservation, one to be a qualified individual endorsed by the MN Indian Affairs Council.

The committee advises the board of education on amounts and types of scholarships granted to American Indian post-secondary students, and in the state board's duties administering the Indian post-secondary programs; making recommendations on approval and funding of PSPP programs and the Indian Teacher Training program to Minnesota schools. Members include representatives of the Duluth, Mpls, and the Bemidji area, the Bureau of Indian Affairs higher education office, the Minnesota Chippewa and Sioux tribes, and the Red Lake education division.

AMERICAN INDIAN EDUCATION COMMITTEE

727 Capitol Square, 550 Cedar St., St. Paul 55101. 612-296-6458.

Minnesota Statutes 126.531

APPOINTING AUTHORITY: State Board of Education. **COMPENSATION:** Reimbursed for expenses.

VACANCY: One member: the duly elected Secretary/Treasurer of the Grand Portage Reservation.

The committee advises the State Board of Education of its duties under the Indian Education Act of 1988, on SBE rules, the impact of educationally related initiatives, situations concerning education of American Indians. The committee consists of fifteen members, to include representatives of tribal bodies, community groups, American Indian administrators, teachers, and those who train teachers or are involved in American Indian Education programs, parents of children eligible to be served by the program, and persons knowledgeable in the field of American Indian education. Members shall be broadly representative of significant populations of American Indians in Minnesota. Meetings 6-10 times per year as needed at various statewide locations.

MN ACADEMIC EXCELLENCE FOUNDATION

750 Capitol Square Bldg., St. Paul 55101. 612-297-1875.

Minnesota Statutes 121.612

APPOINTING AUTHORITY: Governor. **COMPENSATION:** None.

VACANCY: One member: a representative of a business group such as Chamber of Commerce, MN High Tech Council, MN Economic Development Agency, or a service club; should have the endorsement of the business group. Applicants should be committed to the MAEF mission, willing and able to do fund raising, knowledgeable of non-profit operations and public-private partnerships. Individuals with ability to contribute to financial management of a private, non-profit organization; with residence in Congressional District Six and who represent a community of color are encouraged to apply.

The foundation promotes academic excellence in Minnesota schools through public-private partnerships. The board of directors consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups.

ADVISORY SEED POTATO CERTIFICATION TASK FORCE

90 West Plato Blvd., St. Paul 55107-2094. 612-296-7509.

Minnesota Statutes 21.112

APPOINTING AUTHORITY: Commissioner of Agriculture. **COMPENSATION:** Reimbursed for expenses.

VACANCY: Nine members: to be growers in Minnesota of certified seed potatoes.

The task force reviews quality control, research, and market development in the certified seed potato industry. The task force consists of nine members, all are growers in Minnesota of certified seed potatoes. Meetings twice annually, in the spring and fall.

WASTE EDUCATION COALITION

Office of Waste Management, 1350 Energy Lane, St. Paul, 55108. 612-649-5750.

Minnesota Statutes 115A.072

APPOINTING AUTHORITY: Office of Waste Management. **COMPENSATION:** Expenses.

VACANCY: One member: must be a member of the new Environmental Education Advisory Board, once appointed, to represent the Office of Environmental Education on the Waste Education Coalition. (This position replaces the former MN Environmental Education Board representative.)

The coalition is to advise and assist the staff of the Office of Waste Management to develop, implement, and coordinate state and

Official Notices

regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery, and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, State Planning Agency, Environmental Quality Board, Environmental Education Advisory Board, educational institutions, and other public agencies with responsibility for waste management or public education; and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, 5 hrs/mo., at the Office of Waste Management.

REHABILITATION REVIEW PANEL

Dept. of Labor and Industry, 443 Lafayette Rd., St. Paul 55101. 612-296-8213.

Minnesota Statutes 176.102, Subdivision 3

APPOINTING AUTHORITY: Commissioner of Labor and Industry. **COMPENSATION:** Per diem and reimbursed for expenses.

VACANCY: One member to be a representative of the field of medicine.

The panel advises on rehabilitation matters relating to workers compensation and hears appeals under chapter 14. Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. Commissioner of labor and industry, or designee, is ex-officio member. Members must file with the Ethical Practices Board.

CONSUMER ADVISORY COUNCIL ON VOCATIONAL REHABILITATION

390 N. Robert, 5th Floor, St. Paul 55101. 612-296-1822.

Minnesota Statutes 129A.02

APPOINTING AUTHORITY: Commissioner of Jobs and Training. **COMPENSATION:** \$55 per diem.

VACANCY: Three members: One member to represent the Independent Living Council (a federal agency) and two members meeting the membership requirements listed below.

The council advises the assistant commissioner of vocational rehabilitation on policy matters relating to vocational rehabilitation services. The council consists of a maximum of thirteen members, the majority shall be persons with a disability, current or former recipients of vocational rehabilitation services or who represent consumer/advocacy groups serving vocational rehabilitation clients. If qualified persons are available, one member is appointed from each of the following: business, labor, education, medicine, and private not for profit rehabilitation industry. Monthly meetings.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Call distributor
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: September 17
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-06201

Commodity: Copy meters—rebid
Contact: John Bauer 296-2621
Bid due date at 2pm: September 17
Agency: St. Cloud State University
Deliver to: St. Cloud, MN
Requisition #: 26073-22110-1

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

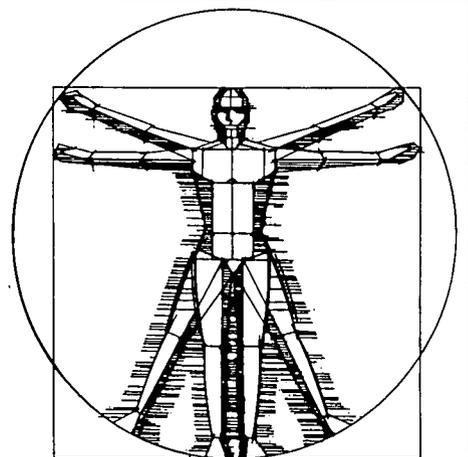
Printing vendors **NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

Commodity: Receipt invoice, negs
available, 80,000 sheets, perforating
Contact: Printing Buyer's Office
Bids are due: September 13
Agency: Secretary of State
Deliver to: St. Paul
Requisition #: 11218

A Helping Hand for the Chemically Dependent

Directory of Chemical Dependency Programs in Minnesota.

This 250-page directory lists prevention and intervention programs including county social service agencies, mental health centers, other information and referral programs, self-help programs and employee assistance programs. It also lists DWI (Driving While Intoxicated) clinics and detoxification centers. Outlining Minnesota's continuum of care, the Minn. Dept. of Human Services Directory lists treatment services under three headings: **Primary Residential Programs**—freestanding facilities, hospital-based facilities and state regional treatment centers; **Intermediate/Extended Residential Programs**—halfway houses, extended care facilities, and board and lodging facilities; **Non-Residential Programs**—freestanding facilities and hospital-based facilities. Stock #1-12. \$15.00 + 90¢ tax.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota: national leader in education

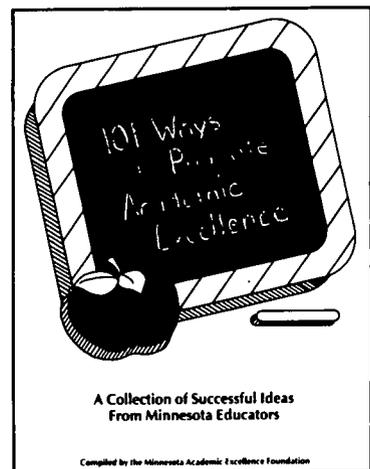
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public educators' great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1989-90

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers and enrollment. 170 pages, paperbound. Code #1-93, \$8.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



A Collection of Successful Ideas From Minnesota Educators

Compiled by the Minnesota Academic Excellence Foundation

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

State Designer Selection Board

Request for Proposal for One Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for one project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., October 2, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status; i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

f) Designer agrees that all aspects of the project, including sprinkler systems, shall be prepared by designer or registered specialty consultants as are appropriate to the project. All engineering and specialty consultants shall be bound to the same contract terms and conditions as the prime designer.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
- d) A statement certifying that the firm has an application pending for a certificate of compliance.

Professional, Technical & Consulting Contracts

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT-28-90

Residential Building Renovation
Brainerd Regional Treatment Center
Total Project Cost: \$1,500,000.00

The Department of Human Services would like to implement the planning, design, and renovation of an existing residential building at Brainerd Regional Human Services Center (BRHSC) for a new 35 bed mental health program. Funds for this project were appropriated by the 1990 Legislature. The allocated construction budget for this project is \$1,165,000.00. The following provides a description of the scope of work for this project:

PROJECT DESCRIPTION

This project will involve the remodeling of an existing building to provide space for the following: Administration and staff; visitation area and public rest room; mechanical systems; single and double resident rooms, nursing station, nourishment/medication stations, bathing rooms, storage areas for program supplies and equipment; rehabilitative facilities, program and activity areas; medical examination and treatment areas; general storage (to include clean and soiled linen) and laundry areas; and space for dietary services, resident dining, and kitchenettes.

This project also involves the installation of communication systems; security devices, and fire safety systems; improvements to the heating, ventilating, and air conditioning systems; the upgrading and/or modernization of other building components (i.e., floor and wall coverings, ceiling materials, lighting, doors, windows, etc.); and the installation of program equipment in accordance with rules, regulations, licensure, and accreditation standards governing the operation of the related program.

WORK TO BE PERFORMED BY THE DESIGNER

The work for this project will include planning, programming and designing the renovation of existing space; the preparation of drawings, specifications and related documents, to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; and assisting in final acceptance of the work.

Questions concerning this project may be referred to Alan VanBuskirk at (612) 296-8982 or James Walker at (612) 296-6919.

Richard F. Whiteman, Chairman
State Designer Selection Board

Department of Human Services

Children's Services Division

Notice of Request for Proposals to Develop a Demonstration Project for the Treatment of Families Experiencing Chronic Neglect

The Children's Services Division of the Department of Human Services is soliciting proposals for a demonstration project to develop and provide accessible and culturally appropriate diagnostic and treatment services to families experiencing chronic neglect. Eligible applicants are county social service agencies which receive over 500 reports of child neglect per year. Up to \$100,000.00 per year is available for the 20 month project. The funded project will begin in November, 1990 and continue through June, 1992. Initial funding will be for eight months (through June 30, 1991), with second year funding contingent upon successful implementation of the project and continued availability of state funds.

This demonstration project will empower families experiencing chronic neglect and work to reduce the families' dependency on the public welfare system. A comprehensive treatment program will be developed utilizing a family systems and group therapy approach. The full time project coordinator will be a family-based services paraprofessional recruited from the local community.

Professional, Technical & Consulting Contracts

Project staff will include a clinical supervisor with expertise in family systems practice, and up to six family therapists. A total of 3.5 FTE's will be funded through the project to provide services to families experiencing chronic neglect. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties.

Requests for copies of the complete RFP or for further information should be directed to John C. Langworthy at 612/296-8337. Six copies of the proposal in response to the RFP must be submitted to the Children's Services Division office, Department of Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than 9:00 a.m. on October 15, 1990.

The Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

Department of Human Services

Request for Proposals for Programs to Serve Children Born to Mothers Using Alcohol and Other Controlled Substances

I. INTRODUCTION

A. The Minnesota Department of Human Services is soliciting proposals from qualified private non-profit agencies to develop and staff comprehensive maternal and child health, and social service programs designed to improve the health and functioning of children born to mothers using alcohol and other controlled substances.

Comprehensive programs shall include immediate and ongoing intervention, treatment, and coordination of medical, educational, and social services through the identified child's preschool years. Programs shall also include research and evaluation to identify methods most effective in improving outcomes among this high-risk population.

The project is expected to continue three years. Second year funding is contingent upon successful implementation of the project, and availability of state funds. Applications must reflect a commitment to extend through the first three years of life for targeted children.

The request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A collaborative effort by two or more service providers will be considered favorably.

B. Funding: The Department will not accept any proposals that exceed a total cost of \$250,000.

II. QUALIFICATIONS OF THE RESPONDENTS

Respondents should be private non-profit agencies located in Ramsey and Hennepin Counties, with experience and expertise in providing maternal and child health, and supportive services for high-risk women and infants. A history of successfully caring for and responding to the problems of substance use during pregnancy is desirable. Qualified agencies should have demonstrated credibility in forming and maintaining professional relationships with a client population who is often suspicious of authority and agency intervention.

III. SUBMISSION OF PROPOSALS

A. Issuing Office: This Request for Proposal is issued by the Minnesota Department of Human Services. The contact person within the issuing office is:

Denise Revels Robinson, MSW, Program Supervisor, Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3832, (612) 296-5288

B. Response Date: Completed proposals must arrive in the issuing office no later than 4:00 p.m. on October 10, 1990. Late applications will not be considered. Submit six copies of proposals in a sealed mailing envelope or package with responder's name and address clearly written on the outside.

Each copy of the proposal must be signed in ink, by an authorized agency representative.

State Planning Agency

Office of Environmental Education

Availability of a Contract for Workshop Coordinator Services

The State Planning Agency is seeking to contract for coordinative and administrative services for a series of approximately 30 workshops for grade 6-12 teachers. The workshops will disseminate the Project Stewardship curriculum developed under a grant

Non-State Public Contracts

from the Minnesota Legislative Committee on Agricultural Land Preservation and Soil and Water Conservation. The contract period is from October 1, 1990 through April, 1991.

Minimum responsibilities include: providing a central contact point and liaison for the many educational, environmental and agricultural organizations and individuals involved; promoting the workshops and curriculum; recruiting workshop leaders; assisting with workshop leader training; providing administrative and clerical support for workshops.

Qualifications include: knowledge of or experience with the teaching, environmental or agricultural professions; government procedures; administrative and clerical support services for workshops or training sessions. Good written and oral communication skills and word processing ability are essential.

Applicants must respond by a written proposal to enter into a contract as required by the Minnesota State Planning Agency. Maximum funds available for the services are \$13,125.00 for the period, including travel and expenses. **Proposals must be received at the State Planning Agency offices prior to 4:30 p.m. on September 24, 1990.**

Written proposals must be submitted to:

Shirley M. Dougherty
Minnesota State Planning Agency
300 Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155

Department of Public Safety

Office of Traffic Safety

Request for Proposals for Telephone Surveys

The Department of Public Safety is seeking proposals to conduct two waves of telephone interviews with at least 1,100 licensed drivers who reside in Minnesota. The first survey wave is to be conducted in November of 1990 and the second in April of 1992. Details of the request are contained in a Request for Proposals which may be obtained by calling or writing:

<i>Telephone:</i> (612) 296-8512	or	(612) 296-9489
<i>Address:</i> Department of Public Safety Office of Traffic Safety Room 207 Transportation Building St. Paul, Minnesota 55155		Department of Public Safety Office of Traffic Safety Room 207 Transportation Building St. Paul, Minnesota 55155
<i>Contact:</i> Susan Palmer		Alan Rodgers

Estimated cost of the contract is \$40,000.00. Final date for submitting proposals is Monday, October 1st, 1990 by 4:00 p.m.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Requests for Proposals (RFP) to Perform a Regional Study on Solid Waste Composition at Regional Landfills and Resource Recovery Facilities

The Metropolitan Council is soliciting proposals for a comprehensive analysis of the composition of solid waste in the Metropolitan Area. This waste composition research project fulfills a state mandate. The 1989 SCORE legislation directed the Minnesota Pollution Control Agency, in cooperation with the Council and the Office of Waste Management, to conduct a composition analysis of solid waste on a statewide basis.

Non-State Public Contracts

The Council's objective is to evaluate what type of materials, measured by percentage and weight, are being disposed of at landfills and resource recovery facilities in and near the Metropolitan Area. The study will provide the Council and counties with primary data on the composition and characteristics of the Metropolitan Area's waste stream and will enable them to plan future solid waste management activities to further enhance processing methods such as recycling and composting.

The RFP requires composition studies to be conducted at the region's six landfills and five resource recovery facilities. The consultant will simultaneously study all sites for a one-week sampling period during four specific times of the year. The consultant is expected to begin sorting waste into specific categories during the winter season of this year and complete sorting by the winter of 1991.

The Council, by this RFP, does not promise to accept the lowest-cost, or any other, proposal, and specifically reserves the right to reject any and all proposals, waive any (in)formal requirements, reject any provision in any proposal, obtain new proposals and proceed to do the work otherwise.

The Council does not discriminate in the selection of contractors on the basis of race, color, creed, religion, sex, affectional preference, age, political affiliation, marital status, status with regard to public assistance, or disability. The Council shall act to promote and enter into contracts with socially disadvantaged businesses (SDB).

A goal of 20 percent has been set for participation by socially disadvantaged businesses (SDB) on this contract. An SDB is a small Minnesota business which is at least 51 percent owned and controlled by minorities, women and/or people with disabilities. This goal may be met through the participation of one or more SDBs as the prime contractor and/or subcontractors on at least 20 percent of the total dollar value of this project.

For copies of the RFP and/or submittal, the proposal should be submitted in six copies and mailed or delivered to the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101, attention: Darrell Washington, Solid Waste Division. All proposals received no later than 4 p.m. on Oct. 8, 1990, will be considered by the Council.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Agriculture

Commissioner's Office

Notice of Availability of Agricultural Development Grant Funds for Wild Rice Market Development in Aitkin County

NOTICE IS HEREBY GIVEN that, in accordance with *Minnesota Statutes*, section 17.101, \$50,000 is available for wild rice market development in Aitkin County.

To receive a grant application or for more information contact:

Commissioner Jim Nichols
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
(612) 297-3219

Grants applications must be received by October 1, 1990.

Dated: 4 September 1990

Jim Nichols
Commissioner

Department of Corrections

Notice of Availability of Funds

The Minnesota Department of Corrections announces the availability of funds for providing two separate training courses for professional corrections agents.

Approximately \$12,500 may be made available to a public or private organization for the purpose of providing two separate training courses for professional corrections agents on chemical dependency and related issues. One training course is to be designed as an introduction or orientation to chemical dependency issues for new staff while the other is intended to provide training on chemical dependency related issues for experienced staff. Respondents may submit proposals for one course or both.

The deadline for grant proposal submission is Monday, October 1, 1990, 4:00 p.m. To receive a request for proposal which describes in detail the application process for this funding and the specifications, contact William H. Weber, Minnesota Department of Corrections, P. O. Box 627, Albert Lea, Minnesota, 56007. Telephone (507) 377-3730.

Dated: 10 September 1990

Supreme Court Decisions, Opinions & Rules

Opinions Filed 31 August 1990

C2-89-190 Kristine Dokmo v. Independent School District No. 11, Anoka-Hennepin, Minnesota, Appellant. Court of Appeals.

Challenging the action of a school district in refusing to reinstate a teacher returning from extended leave of absence shall be by certiorari, not a declaratory judgment action.

Reversed. Popovich, C.J.

Dissenting, Wahl, Yetka & Keith, JJ.

C8-90-1270 Rodney Fougner v. Boise Cascade Corporation, Self-Insured, Relator. Workers' Compensation Court of Appeals.

Under the plain language of *Minnesota Statutes* § 176.011, subd. 3 (1986), vacation and holiday pay actually earned are to be included in the wage basis calculation.

Affirmed. Popovich, C.J.

C2-89-1064 State of Minnesota, by Stephen W. Cooper, Commissioner, Department of Human Rights v. Layle French, petitioner, Appellant. Court of Appeals.

1. Refusing to rent real property to unmarried woman for the reason that her fiance would be residing with her is not a violation of the Minnesota Human Rights Act.

2. The Minnesota Constitution protects a person's religious beliefs in the rental of real property under the facts of this case.

Reversed. Yetka, J.

Dissenting, Popovich, C.J., Wahl & Keith, JJ.

C7-89-2100, C9-89-2101 Richard Wiggin, as Trustee for the heirs and next-of-kin of Kelly M. Wiggin, deceased v. Apple Valley Medical Clinic, Ltd., petitioner, Appellant, Stanley A. Leonard. Court of Appeals.

The trial court correctly applied Minn. R. Civ. P. 26.02(c) in ordering a corporate defendant to produce a statement by an employee whose alleged negligence may be imputed to the defendant but who is not a named party in the action.

Affirmed. Yetka, J.

Dissenting, Coyne, J.

C6-89-824 R.S., an adult v. State of Minnesota and Hennepin County, Petitioners. Court of Appeals.

1. *Minnesota Statutes* § 626.556, subd. 10(c) (1988), which authorizes an interview of a reported victim of child abuse without parental notice and consent, does not require a specific allegation that the victim resides with or has resided with the alleged perpetrator.

2. *Minnesota Statutes* § 626.556, subd. 10(c) (1988), as applied to permit an interview of a reported victim of child abuse without parental notice and consent when the alleged perpetrator is unknown, does not violate the parents' right to familial privacy.

Reversed. Wahl, J.

Dissenting, Popovich, C.J., Yetka & Kelley, JJ.

Supreme Court Decisions, Opinions & Rules

C6-89-1892 Request for Approval of Findings of Fact, Conclusion and Order and for Denial of a Request for Contested Case Hearing and Issuance of a Permit Regarding the Proposed Northern States Power Company (NSP) Wilmarth Industrial Solid Waste Incinerator Ash Storage Facility. Court of Appeals.

Reversed and permit reinstated. Wahl, J.

C9-89-1367 St. Paul Fire & Marine Insurance Company, Appellant v. D.H.L., D. Min. Defendant, N.M.D. Court of Appeals.

This case is governed by *St. Paul Fire & Marine Ins. Co. v. Love*, _____ N.W.2d _____ (Minn. 1990), decided this day.

Reversed and remanded. Simonett, J.

Dissenting, Coyne, Kelley & Keith, JJ.

C7-89-1268 St. Paul Fire & Marine Insurance Company, petitioner, Appellant v. Ronald W. Love, Defendant, Mary Anderson, et al. Court of Appeals.

When a sexual relationship arises within a therapeutic alliance pervaded by the psychological phenomenon of transference, the patient's claim is within the coverage of the therapist's policy as resulting from professional services provided or withheld.

Affirmed. Simonett, J.

Dissenting, Coyne, Kelly & Keith, JJ.

C5-89-555, CX-89-1166, C5-89-1169 State of Minnesota, petitioner, Appellant v. Jeffrey Scott Buswell, Gary Leek Schwartzmann, Dale Jay Schmidt. Court of Appeals.

The trial court's finding that the actions of an employee of a private security agency who searched motor vehicles and seized contraband which was later delivered to law enforcement officials, who used it as evidence in a criminal case against the vehicles' occupants, was not governmental action triggering the exclusionary rule under the Fourth Amendment bar against unreasonable searches and seizures was not clearly erroneous.

Reversed and trial court judgment reinstated. Kelley, J.

Dissenting Yetka, Wahl & Keith, JJ.

C4-89-1521 Oak Ridge Care Center, Inc., et al. v. Minnesota Department of Human Services, petitioner, Appellant. Court of Appeals.

Reversed in part and affirmed in part. Kelley, J.

CX-89-616 American Family Mutual Insurance Company v. Eleanor C. Baumann, et al., petitioners, Appellants. Court of Appeals.

To satisfy the notice requirement of *Schmidt v. Clothier*, 338 N.W.2d 256 (Minn. 1983), the insured shall give the underinsurer 30 days' written notice of a settlement agreement which is contingent upon the decision of the injured complainant's underinsurer whether to preserve its potential right of subrogation either by paying underinsured motorist benefits or by substituting its draft for that of the torfeasor's liability insurer.

Reversed. Coyne, J.

CX-89-1426 State of Minnesota, petitioner, Appellant v. Dennis H. Bluhm. Court of Appeals.

1. Trial court properly allowed the state to amend the complaint to charge the greater offense of sale of 10 grams or more of cocaine during jury selection.

2. Trial court prejudicially erred in refusing to instruct the jury on one of the elements of the offense of sale of 10 grams or more of cocaine.

Affirmed in part; reversed in part and remanded to trial court. Coyne, J.

C2-89-2201 Harry Yurista v. Commissioner of Revenue, Relator. Tax Court.

Mutual fund dividends directly attributable to income from United States Treasury notes and bonds are exempt from state income taxation.

Affirmed. Coyne, J.

C0-89-186 Patrick F. Hunt v. Regents of the University of Minnesota, et al., petitioners, Appellants, Shelley N. Chou, M.D., petitioner, Appellant, Aizik Wolf, M.D., petitioner, Appellant. Court of Appeals.

1. Where the pretrial record indicated the possibility of adverse interests among multiple defendants, the trial court did not abuse its discretion in allowing defendants two additional peremptory challenges pursuant to *Minnesota Statutes* § 546.10 (1988).

2. While the trial court's prohibition of inquiry on voir dire into prospective jurors' relationships with defendant's malpractice insurers

was an abuse of its discretion, it did not constitute reversible error where no prejudice was demonstrated.

3. Where there was no proper foundation for impeachment, the trial court did not abuse its discretion by limiting cross-examination, and where the plaintiff attempted to overcome the limitation by testimony of his own expert, the trial court did not err by giving the jury a corrective instruction.

Reversed. Keith, J.

Dissenting, Kelley, J., Popovich, C.J.

Took no part, Yetka & Coyne, JJ.

C7-89-1139 John Larson, individually and John Larson, as the father and natural guardian of Jessica Larson, a minor v. Loree Carol Dunn, a/k/a Jennifer Dunn, J.T. Thompson, Ione Thompson, Carlin Olson, Rick Olson, Inga Rigenhagen, and John Does I-X, and Franklin Rigenhagen and Carol Rigenhagen, Appellants. Court of Appeals.

1. Sufficient minimum forum contacts by appellants exist so that Minnesota's exercise of personal jurisdiction over them does not offend constitutional due process nor our statutory requirements (*Minnesota Statutes* § 543.19 (1988)).

2. A custodial parent may not recover in tort for damages resulting from intentional interference with custodial rights.

Affirmed in part, reversed in part. Keith, J.

Dissenting, Popovich, C.J., Yetka & Kelley, JJ.

C6-90-84 In Re the Appeal of Gerald Brine and Beverly Brine, from the Denial of Their Conditional Use Permit by the Crow Wing County Board of Adjustment. Court of Appeals.

Affirmed in part and reversed in part. Keith, J.

C0-90-1084 Carol A. Bradford, Relator v. Bureau of Engraving and Employers Insurance of Wausau, and Bureau of Engraving and Liberty Mutual Insurance Company, and Group Health, Inc., intervenor, Graphic Communications Local 1B Health & Welfare Plan/DCA, Inc., intervenor. Workers' Compensation Court of Appeals.

On an appeal taken under *Minnesota Statutes* § 176.421, subd. 6 (1988), the Worker's Compensation Court of Appeals review is limited to the issues raised by the parties.

Affirmed in part, reversed in part. Keith, J.

Orders

C3-88-1760 In Re the Petition for Reinstatement of John Remington Graham, an Attorney at Law of the State of Minnesota. Supreme Court.

Reinstated. Kelley, J.

C1-90-1398 In Re the Petition for Disciplinary Action against Robert J. Brenner, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Kelley, J.

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Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$8.95 plus tax.

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 15%. Stock #9-20, \$10.95 plus tax.



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Room at the Inn Wisconsin. Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3, \$9.95 plus tax.

Room at the Inn Minnesota. Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 60 historic "Bed & Breakfast" homes, hotels, and country inns. 160pp. Stock #19-72, \$9.95 plus tax.

Roughing It Elegantly. A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

Guide to Wilderness Canoeing. A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.



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Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23, \$13.95 plus tax.

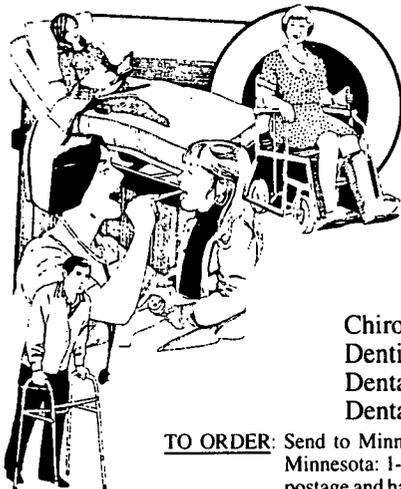
Minnesota Geographic Names. Place names by the thousand, with even more intriguing historical tidbits, in this over 800-page book. A must for the Minnesota-lover! Stock #17-13, \$12.95 + tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock No. 1-89, \$17.00.

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Health Care Facilities Directory 1989

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$17.95.

Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

Call 297-2552 for more information or write to the address below for your free mailing list service packet.

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Dentists
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Medical Corporations (Clinics)
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Minnesota's North Shore

Historic Sites and Place Names of Minnesota North Shore. Stories recounted by a retired DNR Forester about the North Shore's timbermen, pioneer settlers, commercial fishermen, and others who knew the area first hand. Stock #9-11. 35pp. \$3.50 + tax.

Up North. A memorable collection of essays and stories that capture the mystic moods, seasonal subtleties and colorful characters that fill the landscape up north. Stock #19-16. \$14.95 + tax.

A Family Guide to Minnesota's North Shore. The 150 miles from Duluth to the Canadian border offer travelers wilderness experiences, places of historic significance, and visions of astonishing beauty. Stock #19-84. \$3.95 + tax.

Boundary Waters. Almost 100 pages of beautiful color photographs of Minnesota's canoe country, by Jerry Stebbins with rich text by Greg Breining. Stock #19-69. \$24.99 + tax.

Minnesota II. Colorful photographs showing the lyrical balance between country and city, land and water, inhabited by 4.2 million people across 84,000 square miles. A delight for the eyes, with photos by Richard Hamilton Smith and text by Richard A. Coffey. Stock #19-30. \$32.50 + tax.

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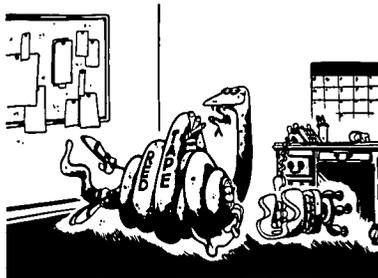
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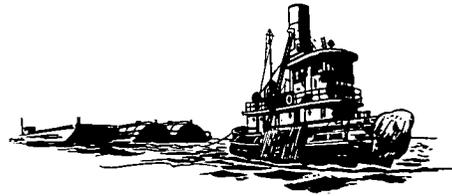
A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6, \$8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. \$8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. \$8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. \$6.95 plus tax.

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It's Never OK. A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16. \$19.95 + tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, \$15.00 + tax.

Process parenting—Breaking the Addictive Cycle. This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

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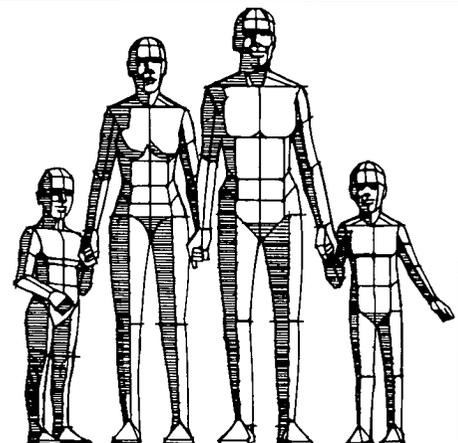
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Adoption and Process Parenting

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